

REMARKS

Claims 5-8 and 10-16 are pending in this application. By this Amendment, claims 5, 8, 11 and 14 are amended. Support for the amendments to the claims may be found, for example, in the specification at page 8, lines 10-21. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Rejection Under 35 U.S.C. §102

The Office Action rejects claims 5-8 and 10-16 under 35 U.S.C. §102(b) over Oracle, "Oracle9i Case Studies – XML Applications," June 2001. (Hereinafter "Oracle"). Applicants respectfully traverse the rejection.

By this Amendment, claim 5 recites, *inter alia*, "... a storage part that stores an instruction form that causes a process to be executed to a document by at least one of a plurality of instruction form execution apparatuses connected to the instruction form management apparatus via a network ... the instruction form management apparatus gives a control function to at least one instruction form execution apparatus, based on information contained in the instruction form, to execute a process indicated on the instruction form, and the at least one instruction form execution apparatus returns the control function to the

instruction form management apparatus once the instruction form execution apparatus completes the process indicated on the instruction form." (Emphasis added). Claims 8, 11 and 14 recite similar features. Applicants respectfully assert that Oracle fails to disclose at least the above features of claims 5, 8, 11 and 14.

It is well established that "A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Also, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Thus, in order for a claim to be rejected under 35 U.S.C. §102 as anticipated by a reference, each and every feature of the claim must be specifically disclosed or inherent in that single reference.

The Office Action asserts that an XML order disclosed in Oracle corresponds to the claimed instruction form. See Office Action, page 4. Applicants respectfully disagree. The claimed instruction form "causes a process to be executed to a document by at least one of a plurality of instruction form execution apparatuses connected to the instruction form management apparatus via a network," and is outputted "to the at least one of the plurality of instruction form execution apparatuses." In contrast, there is no disclosure in Oracle that the XML order causes a process to be executed. As shown in Oracle, Fig. 8-18 and page 8-31, step 3, the XML order of Oracle merely contains order information data, such as product ID, customer ID, quantity, discount, etc. Further evidence of this is in Oracle, page 8-71, where it discloses that the XML document is received by the Supplier and the XML document must be parsed for data. Again, there is no indication that the XML document causes any process to be executed. Indeed, the XML order disclosed in Oracle does not provide any information

regarding the process to be executed. Thus, the XML order of Oracle cannot "cause a process to be executed" as recited in claims 5, 8, 11 and 14.

Also, the Office Action asserts that the disclosure in Oracle of an XML order being filled in by a user, transformed by XSQL Servlet, and then sent to the Supplier corresponds to the claimed output part that outputs the instruction form to the at least one of a plurality of instruction form execution apparatuses. See Office Action, page 5. But this disclosure of Oracle does not send the original XML order. Rather, Oracle sends a transformed XML order to the supplier, as acknowledged by the Office Action on page 5. Thus, Oracle does not disclose that "the instruction form" is outputted to at least one of the plurality of instruction form execution apparatuses. Instead, Oracle sends a modified XML order to the supplier. Applicants respectfully assert that the original XML order and the modified XML order cannot both disclose the single claimed instruction form. Thus, Oracle fails to disclose an output part that outputs the instruction form to at least one of a plurality of instruction form execution apparatuses, as recited in claims 5, 8, 11 and 14.

In addition, claims 5, 8, 11 and 14 recite that "the instruction form management apparatus gives a control function to at least one instruction form execution apparatus, based on information contained in the instruction form, to execute a process indicated on the instruction form." Thus, the instruction form dictates to which instruction form execution apparatus control is given chosen from a plurality of instruction form execution apparatuses. There is no indication in Oracle that the XML order dictates control of the process. Conversely, all XML orders are transformed and directed to the same place, the AQ Broker Transformer, where the data in the transformed XML order is converted to a format that is compatible with either the Retailer's or the Supplier's format. Oracle provides no disclosure that the XML order dictates to which apparatus control is given.

In summary, Oracle discloses a process where a Retailer enters specified data into a form. The form is transformed into a format that can be sent to an AQ Broker Transformer. The AQ Broker Transformer converts the data into a format that complies with a Supplier's format. The data, which was inputted by the Retailer, is then parsed out and entered into the Supplier's database. If the Supplier chooses to fulfill the order, a data form is transformed into a format that can be sent to the AQ Broker Transformer. The AQ Broker Transformer converts the data into a format that complies with the Retailer's format. The data, which was updated or inputted by the Supplier, is then parsed out and entered into the Retailer's database. This process is preordained. Nothing that a Retailer or Supplier puts into the XML order will alter the above process. Put differently, neither the Retailer nor the Supplier can input data into the XML order that will result in the XML order being sent anywhere other than to the AQ Broker Transformer. See Oracle, pages 8-31 through 8-81. In contrast, claims 5, 8, 11 and 14 recite that the instruction form causes a process to be executed, and that a control function is given to an instruction form execution apparatus based on information contained in the instruction form. Thus, the information in the instruction form, which is entered by a user, controls the process. Oracle does not disclose this feature of claims 5, 8, 11 and 14. Accordingly, Oracle does not disclose each and every feature of claims 5, 8, 11 and 14.

Claims 5, 8, 11 and 14 are not anticipated by Oracle. Claims 6, 7, 10, 12, 13, 15 and 16 variously depend from claims 5, 8, 11 and 14 and, thus, also are not anticipated by Oracle. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Nicolas A. Brentlinger
Registration No. 62,211

JAO:NAB

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OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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